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CENTRAL FAX CENTER **PATENT**
Atty Docket No.: 100111406-2

DEC 12 2006**In The U.S. Patent and Trademark Office****In Re the Application of:**

Inventor(s): Wolfgang BROSS et al. **Confirmation No.:** 9508
Serial No.: 09/995,320 **Examiner:** Garcia Adc
Filed: November 26, 2001 **Group Art Unit:** 3627
Title: METHODS, DATA RECORD, SOFTWARE INTERFACE, DATA
WAREHOUSE MODULE AND SOFTWARE APPLICATION FOR
EXCHANGING TRANSACTION-TAX-RELATED DATA

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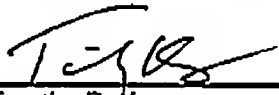
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17 sheets of Amended Appeal Brief-Patents.

Respectfully submitted,

MANNAVA & KANG, P.C.

December 12, 2006


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PATENT APPLICATION

ATTORNEY DOCKET NO. 100111408-2

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

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CENTRAL FAX CENTER

Inventor(s): Wolfgang BROSS et al.

Confirmation No.: 9 **DEC 12 2006**

Application No.: 08/895,320

Examiner: Garcia Ade

Filing Date: Nov. 26, 2001

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DATA

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TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Amended Appeal Brief in this application with respect to the Notice of Appeal filed on August 2, 2006 and in response to the Notice of Non-Complaint Appeal Brief mailed November 15, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00 which was paid October 26, 2006.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2026 the sum of \$ 0.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Rev 12/04 (Applicant)

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Wolfgang BROSS et al.

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Rev 12/04 (AppBrie)

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Attorney Docket No.: 100111406-2

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Fort Collins, Colorado 80527-2400**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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MAIL STOP APPEAL BRIEF - PATENTSCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**AMENDED APPEAL BRIEF - PATENTS**

Sir:

This is an Amended Appeal Brief in response to the Notification of Non-Compliant Appeal Brief dated November 15, 2006, which alleged that the Brief does not contain a statement of the status of all claims. Accordingly, this Amended Appeal Brief provides a full statement of the status of all claims as required.

Again, this is an Appeal Brief in connection with the decisions of the Examiner in an Office Action dated May 2, 2006 and in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated September 26, 2006. It is respectfully submitted that the present application has been more than twice rejected. Each of the topics required in an Appeal Brief and a Table of Contents are presented herewith and labeled appropriately.

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(1) Real Party In Interest

The real party in interest is Hewlett-Packard Development Company, L.P.

(2) Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3) Status Of Claims

Claims 2, 4, 9, and 14-35 have been canceled. Claims 1, 3, 5-8, and 10-13 are pending and rejected. All pending claims are hereby appealed.

(4) Status of Amendments

No amendment was filed subsequent to the final Office Action dated May 2, 2006.

(5) Summary Of Claimed Subject Matter

According to one embodiment in claim 1, there is provided a computer-based method performed in a first transaction-tax-related application of a first program controlled apparatus, the method comprising:

exchanging transaction-related data with at least a second transaction-tax-related application of a second program controlled apparatus according to a standardized transaction-tax interface data model, wherein the standardized transaction-tax interface data model provides an interface model which enables communications between the first transaction-tax-

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related application and the second transaction-tax-related application (see at least **paragraph starting on line 22, p. 6; FIG. 5a, 512**); and

wherein the first transaction-tax-related application uses a first application-specific data model different from the standardized transaction-tax interface data model, the method further comprising mapping data elements of the first application-specific data model to data elements of the standardized transaction-tax interface data model, or vice versa (see at least **paragraph starting on line 22, p. 6; FIG. 5a, 512**), the mapping includes,

reading an output mapping definition;

deriving source information from the data elements of the first application-specific data model based on the read output mapping definition; and

mapping the source information to the data elements of the standardized transaction-tax interface model (see at least **paragraph starting on line 10, p. 20; FIG. 5d, 500**).

According to another embodiment in claim 7, there is provided a computer-based method performed in a transaction-tax-related data warehouse application, the method comprising:

storing transaction-related data received from at least one transaction-tax-related application in a data warehouse of a program controlled apparatus according to a standardized transaction-tax data warehouse data model (see at least **paragraph starting on line 13, p. 23; FIG. 5c, 590**);

providing a standardized transaction-tax interface data model as an interface model which enables communications between the transaction-tax-related data warehouse application and the at least one transaction-tax-related application, the standardized

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transaction-tax interface data model being different from the standardized transaction-tax data warehouse data model (see at least paragraph starting on line 13, p. 23; FIG. 5e, 590);

mapping transaction-tax-related data elements in a set of transaction-tax-related data elements in the tax-related data warehouse data model with transaction-tax-related data elements in a set of transaction-tax-related data elements in the standardized transaction-tax interface data model, the set of transaction-tax-related data elements of the standardized transaction-tax data warehouse data model comprises at least one of, equals and is a subset of the set of transaction-tax-related data elements of a standardized transaction-tax interface data model; wherein the mapping includes,

reading an output mapping definition;

deriving source information from the data elements in the tax-related data warehouse data model based on the read output mapping definition; and

mapping the source information to the data elements in the standardized transaction-tax interface data model (see at least line 8, p. 25 to line 32, p. 30; FIG. 5d, 528, 552, 554).

(6) Grounds of Rejection to be Reviewed on Appeal

a) Whether claims 1, 3, 5, 6, and 10-13 should have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

b) Whether claims 1, 3, 5-8, and 10-13 should have been provisionally rejected on the ground of non-statutory obviousness-type double patenting.

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c) Whether claims 1, 3, 5-8, and 10-13 should have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (2003/0093320) in view of Cox et al. (2003/0061061).

(7) Arguments

A. The rejection of claims 1, 3, 5, 6, and 10-13 under 35 U.S.C. 112, second paragraph, as being indefinite is improper

The examiner rejected claims 1, 3, 5, 6, and 10-13 because claim 1 includes the term "vice versa" in the following claim language,

mapping data elements of the first application-specific data model to data elements of the standardized transaction-tax interface data model, or vice versa.

It is respectfully submitted that the term "vice versa" is clear and definite when read in context with the above claimed language. The term "vice versa" means that there is alternatively a mapping of data elements of the standardized transaction-tax interface data model to the data elements of the first application-specific data model.

It should be noted that the above claim language, including the term "vice versa," was found in claim 2 as originally filed in the application. As seen from the prosecution history of the present application, such claim language was incorporated into claim 1; yet, there was no rejection of this claim language until the end in the final Office Action dated May 2, 2006. Thus, the examiner has introduced a new rejection on originally-filed claim language without providing applicants with any opportunity to respond to such a rejection prior to a final rejection. Accordingly, it is respectfully submitted that either: a) the above claim language is clear and concise as evidenced by a previous lack of a rejection otherwise, and withdrawal of

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such a rejection is respectfully requested; or b) the finality of the Office Action dated May 2, 2006 was premature, and withdrawal of the finality of such an Office Action is respectfully requested.

B. The provisional rejection of claims 1, 3, 5, 6, and 10-13 on the ground of non-statutory obviousness-type double patenting is improper

Claims 1, 3, 5, 6, and 10-13 were rejected based on claims 1-10 of copending Application No. 10/495,634 (hereinafter, "the '634 application"). Likewise, claims 7-8 were rejected based on claims 11-15 of the same copending application.

The examiner alleged that whatever subject matter in claims 1, 3, 5-8, and 10-13 of the present application that is not found in claims 1-10 of the '634 application is given official notice as being notoriously well known in the art. MPEP 2144.03 clearly states that,

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979).

It is respectfully submitted that the Examiner's allegations are assertions of technical facts in the areas of esoteric technology, that is, computer technology and the inner workings of data manipulation in a computing environment to which an ordinary user is not privy. Therefore, official notice cannot be taken of the nuance of the claimed features in such an esoteric technology. For example, claim 1 recites "reading an output mapping definition" so that source information from the first application-specific data model can be derived based on

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such reading, which is not described in claims 1-10 of the '634 application. Typically, the mapping process is performed in reverse, that is, source information is first obtained so that mapping can be done based on such source information. Likewise, claim 7 recites, "the set of transaction-tax-related data elements of the standardized transaction-tax data warehouse data model comprises at least one of, equals and is a subset of the set of transaction-tax-related data elements of a standardized transaction-tax interface data model," which are also technical facts in the areas of esoteric technology and not described in claims 1-10 of the '634 application.

Accordingly, because claims 1, 3, 5-8, and 10-13 of the present application and claims 1-10 of the '634 application do not recite the same or obvious subject matter, it is respectfully submitted that the examiner failed to establish a *prima facie* case of nonstatutory obviousness-type double patenting provisional rejection. Therefore, withdrawal of such a rejection is respectfully requested.

C. The rejection of claims 1, 3, 5-8, and 10-13 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Cox et al. is improper

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

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be found in the prior art and not based on applicant's disclosure. *In re Vaech*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

The examiner admitted that Sullivan does not explicitly show that there are two different data models (a transaction-tax-related data warehouse application and at least one transaction-tax-related application), and that there is a standardized transaction-tax-interface data model to provide an interface model, as claimed. However, the examiner alleged that the aforementioned differences are shown in Cox et al., and that it would have been obvious to combine Sullivan and Cox et al. in order to provide communication in a heterogeneous environment.

It is respectfully submitted that FIGs. 1 and 2, and supporting text, in Sullivan clearly show a single transaction tax processor 201 for operating and maintaining a plurality of alleged transaction tax databases and applications (e.g., 270-274, tax calculator). Therefore, at best, all such transaction tax databases and applications inherently use the same standardized data model for communicating with each other because they are all operated and maintained by the same transaction tax processor 201. That is, it would be counterproductive to have different data models for the transaction tax databases and applications in Sullivan (e.g., the alleged data warehouse data model), only to further require such models be mapped to a standardized data model in order to effectuate communications between the various databases and applications in the transaction tax processor 201. Such a scheme is not desirable, and thus not obvious, because it needlessly complicates the transaction tax

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compliance system 200 in Sullivan. Although Sullivan in paragraph [0037] discloses that those databases and applications in the transaction tax processor 201 can operate on multiple computers, as cited in the Office Action (p. 6), it remains at best inherent to have those multiple computers use the same data model to simplify the transaction tax compliance system 200 absent any indication to the contrary. After all, Sullivan's system 200 is intended to *ease* the transaction tax compliance burdens rather than to *further complicate* such burdens, which would be case if the Sullivan were to incorporate the teachings in Cox et al. See Sullivan, paragraphs [0002] and [0005].

Accordingly, it would not have been obvious to complicate Sullivan's system by specifying that its transaction tax databases and applications must have different data models, *just so* that Cox et al. can be introduced to show a standard model interface that can be used for the different data models, when such data models need not be different in the first instance. Such complication teaches away from Sullivan's intention of easing the transaction tax compliance burdens. Therefore, withdrawal of the rejection of claims 1, 43, 5-8, and 10-13 and allowance of the application are respectfully requested.

(8) Conclusion

For at least the reasons given above, the rejections of claims 1, 3, 5-8, and 10-13 are improper. Accordingly, it is respectfully requested that such rejections by the examiner be reversed and these claims be allowed. Attached below for the Board's convenience is an Appendix of claims 1, 3, 5-8, and 10-13 as currently pending.

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Respectfully submitted,

Dated: December 12, 2006

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(9) Claim Appendix

1. A computer-based method performed in a first transaction-tax-related application of a first program controlled apparatus, the method comprising:

exchanging transaction-related data with at least a second transaction-tax-related application of a second program controlled apparatus according to a standardized transaction-tax interface data model, wherein the standardized transaction-tax interface data model provides an interface model which enables communications between the first transaction-tax-related application and the second transaction-tax-related application; and

wherein the first transaction-tax-related application uses a first application-specific data model different from the standardized transaction-tax interface data model, the method further comprising mapping data elements of the first application-specific data model to data elements of the standardized transaction-tax interface data model, or vice versa, the mapping includes,

reading an output mapping definition;

deriving source information from the data elements of the first application-specific data model based on the read output mapping definition; and

mapping the source information to the data elements of the standardized transaction-tax interface model.

3. The method set forth in claim 1, being further performed in the second transaction-tax-related application, which uses a second application-specific data model different from the standardized transaction-tax interface data model, the method further comprising:

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mapping data elements which are exchanged according to the standardized transaction-tax interface model to data elements of the second application-specific data model, or vice versa.

5. The method set forth in claim 3, wherein the first and second application-specific data models are different from each other.

6. The method set forth in claim 1, wherein the first transaction-tax-related application uses a first application-specific data model, the first application-specific data model corresponding to the standardized transaction-tax interface data model.

7. A computer-based method performed in a transaction-tax-related data warehouse application, the method comprising:

storing transaction-related data received from at least one transaction-tax-related application in a data warehouse of a program controlled apparatus according to a standardized transaction-tax data warehouse data model;

providing a standardized transaction-tax interface data model as an interface model which enables communications between the transaction-tax-related data warehouse application and the at least one transaction-tax-related application, the standardized transaction-tax interface data model being different from the standardized transaction-tax data warehouse data model;

mapping transaction-tax-related data elements in a set of transaction-tax-related data elements in the tax-related data warehouse data model with transaction-tax-related data

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elements in a set of transaction-tax-related data elements in the standardized transaction-tax interface data model, the set of transaction-tax-related data elements of the standardized transaction-tax data warehouse data model comprises at least one of, equals and is a subset of the set of transaction-tax-related data elements of a standardized transaction-tax interface data model; wherein the mapping includes,

reading an output mapping definition;

deriving source information from the data elements in the tax-related data warehouse data model based on the read output mapping definition; and

mapping the source information to the data elements in the standardized transaction-tax interface data model.

8. The method set forth in claim 7, further comprising the step of exchanging transaction-related data stored or to be stored in the data warehouse with the at least one transaction-tax-related application according to the standardized transaction-tax interface data model.

10. The method set forth in claim 1, wherein at least one of the first and the second transaction-tax-related transaction applications are one of the following modules:

- i) a transaction tax logging module,
- ii) a transaction tax compliance module,
- iii) a transaction tax filing module,
- iv) a transaction tax calculation module,
- v) a transaction tax content module, and

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vi) a transaction tax database for storing transaction-related data.

11. The method set forth in claim 1, wherein at least one of the first and the second transaction-tax-related applications is one of a basic and a micro service module.

12. The method set forth in claim 2, wherein the way the mapping is governed is defined by rules that are configurable by a user.

13. The method set forth in claim 12, wherein the rules are implemented by a lookup table.

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(10) Evidence Appendix

None.

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(11) Related Proceedings Appendix

None.